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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

ELEAQIA MCCRAE,

Case No. 6:20-cv-01489-IM

Plaintiff,

v.

**DECLARATION OF AARON P. HISEL
IN SUPPORT OF DEFENDANTS'
RULE 50 MOTION**

CITY OF SALEM, et al.,

Defendants.

I, Aaron P. Hisel, hereby declare under penalty of perjury that the following is true and correct based upon my person knowledge:

1. I am one of the attorneys representing the defendants in this matter. This Declaration is offered in support of Defendants' Rule 50 Motion.

2. Attached to this declaration and marked “Exhibit 1” is a true and correct copy of transcript excerpts from *McCrae v. City of Salem*, Case No. 6:20-cv-01489, Trial Day three, testimony of Scott DeFoe. The attached pages are certified to be true and accurate by Certified Court Reporter Jill Jessup on September 28, 2022, as shown on the enclosed certificate page.

3. Attached to this declaration and marked “Exhibit 2” is a true and correct copy of transcript excerpts from *McCrae v. City of Salem*, Case No. 6:20-cv-01489, Trial Day one, testimony of Robert Johnston. The attached pages are certified to be true and accurate by Certified Court Reporter Jill Jessup on September 26, 2022, as shown on the enclosed certificate page.

4. Attached to this declaration and marked “Exhibit 3” is a true and correct copy of transcript excerpts from *McCrae v. City of Salem*, Case No. 6:20-cv-01489, Trial Day four, testimony of Spencer Fomby. The attached pages are certified to be true and accurate by Certified Court Reporter Jill Jessup on September 29, 2022, as shown on the enclosed certificate page.

5. Attached to this declaration and marked “Exhibit 4” is a true and correct copy of Defendants’ Trial Exhibit 201, City GoPro video, from *McCrae v. City of Salem*, Case No. 6:20-cv-01489. This is the same as Plaintiff’s exhibit 110.

6. Attached to this declaration and marked “Exhibit 5” is a true and correct copy of Plaintiff’s Trial Exhibit 109, which is the specifications sheet for the Stinger round at issue in this litigation.

7. Attached to this declaration and marked “Exhibit 6” is a true and correct copy of Defendants’ Trial Exhibit 209, which is a portion of the Computer Aided Dispatch from the evening in question.

8. Attached to this declaration and marked “Exhibit 7” is a true and correct copy of Defendants’ Trial Exhibit 204, View From the Back video, from *McCrae v. City of Salem*, Case No. 6:20-cv-01489.

I hereby declare that the above statement is true to the best of my knowledge and belief, and I understand it is made for use of evidence in court and subject to penalty for perjury.

DATED this 14th day of October, 2022.

s/ Aaron P. Hisel
Aaron P. Hisel, OSB #161265
Of Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing DECLARATION OF AARON P. HISEL IN
SUPPORT OF DEFENDANTS' RULE 50 MOTION on:

Kevin C. Brague
The Brague Law Firm
4504 S. Corbett Avenue Suite 250
Portland, OR 97239
kevin@braguelawfirm.com
Attorney for Plaintiff

by the following indicated method or methods:



by **electronic means through the Court's Case Management/Electronic Case File system** on the date set forth below;

by **emailing** a copy thereof to each attorney at each attorney's last-known email address on the date set forth below;

by **mailing** a full, true, and correct copy thereof in a sealed, first-class postage-prepaid envelope, addressed to plaintiff's last-known address listed above and depositing it in the U.S. mail at Salem, Oregon on the date set forth below.

DATED this 14th day of October, 2022.

s/ Aaron P. Hisel
Aaron P. Hisel, OSB #161265
Of Attorneys for Defendants

CERTIFICATE OF SERVICE